

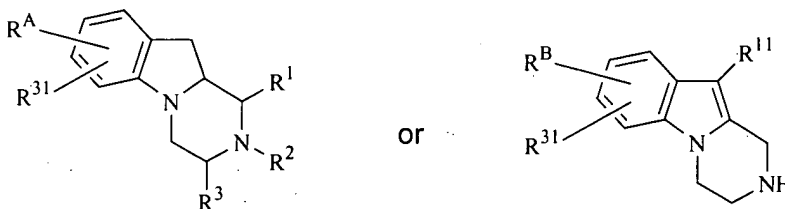
### **REMARKS/ARGUMENTS**

After entering these amendments, claims 2-16 will be pending. Claim 1 has been canceled and its subject matter has been recited in new claim 16. Claims 2, 4, 7 and 13 have been amended to reflect their new dependencies resulting from the cancellation of claim 1 and the addition of claim 16.

### **THE REJECTION UNDER 35 U.S.C. § 112:**

Claims 1-15 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicants traverse.

The Examiner stated that claim 1 and thereby claims 2-15 which depend from claim 1 would be allowable if "an appropriate recitation to the effect that 'formula (I) is selected from 1) or 2)". (November 19, 2003 Office Action, page 3). Applicants have canceled claim 1 and recited its subject matter in new claim 16. New claim 16 covers a compound of formula (I), wherein formula I is



In light of the above amendments to the claims, applicants request the Examiner withdraw the rejections under 35 U.S.C. § 112 as they are now moot.

### **ALLOWABLE SUBJECT MATTER:**

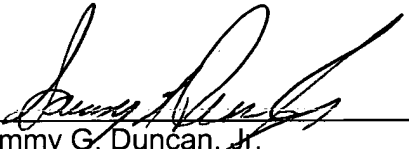
Applicants appreciate the Examiner's statement that "[c]laims 1-15 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. § 112, second paragraph, set forth in this Office Action. (November 19, 2003 Office Action, page 3).

### CONCLUSION

No fee is believed due for the filing of this Amendment; however, should any fee be found to be due please charge said fee to Deposit Account No. 19-3880 in the name of Bristol-Myers Squibb Company. In view of the foregoing, applicants submit that the application is now in condition for allowance. Early notification of such action is earnestly solicited.

Respectfully submitted,

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